

**Congress of the United States**  
**Washington, DC 20515**

August 19, 2021

Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

RE: Public Comment for Scoping Process for the Environmental Impact Statement (EIS) for the Proposed Lower Klamath Project Surrender and Removal (Project No. 14803-001 and P-2082-063).

Dear Secretary Bose,

On June 17, 2021, the Federal Energy Regulatory Commission (FERC) issued an order (175 FERC ¶ 61,236) that allowed the Klamath River Renewal Corporation (KRRC), and the States of California and Oregon to proceed with the environmental review for a potential surrender and removal of four hydropower dams along the Klamath River. Three of these facilities, Copco 1, Copco 2, and Iron Gate, are located within California's 1<sup>st</sup> Congressional District, which I represent.

I continue to believe the surrender of PacifiCorp's license and the removal of these four hydroelectric dams by KRRC is not in the best interest of any constituent, organization, or the environment itself. Dam removal has the potential for massive environmental damage from toxic sediment and silt, and negative effects on our ability to manage water and fight wildfires in the remote areas surrounding these dams. Many of the claimed benefits of removal are also not based in reality, including the assertion that dam removal can restore fish passage or help recover salmon populations. Lastly, the EIS must consider the impact surrender or removal can have on the people of Siskiyou County and Klamath County. The three dams located in Siskiyou County are a major source of tax revenue and energy generation – yet there is currently no plan from PacifiCorp, KRRC, or the State of California to assist with either of these impacts. This is especially egregious in the face the supermajorities of local voters in Klamath County and Siskiyou County who voted to reject dam removal.

The current agreement between KRRC, PacifiCorp, and the States of California and Oregon fails to adequately fund the costs for removal and potential liabilities associated with removal. These applicants have outlined their assumption that total costs will amount to just \$450 million – although the Memorandum of Agreement that will ultimately relieve PacifiCorp of liability

includes an additional \$45 million in contingency funds, bringing the total to \$495 million. Based on an earlier report created for the Department of the Interior, the quantifiable liabilities and construction costs are estimated to be \$466 million on the lowest end, and \$837 million on the high end.<sup>1</sup> Included in this estimate are construction costs of \$94 million, based on data from 2006. Even if other factors are ignored, inflation would drive the total project cost to between \$591 million and \$1.1 billion today.

In addition to the inflationary reality, I would also direct the Commission to review the established record of concerns from the original liability report and subsequent reports from the National Marine Fisheries Service (NMFS)<sup>2</sup> and the California State Water Resources Control Board (SWRCB)<sup>3</sup>. All three of these reports note additional impacts from a massive amount of sediment and silt are likely, will have large impacts on the ecosystems downstream, and will increase costs for the project. This silt has been estimated<sup>4</sup> at 20.4 million cubic yards but, given the recent issues of sediment underestimation on the Condit Dam and other dam removal projects, it could be as high as 60 million cubic yards. The Department of the Interior's liability report identifies seven additional unquantifiable liabilities associated with the sediment behind J.C. Boyle, Copco 1, and Iron Gate dams which are as having the highest potential for unexpected costs.<sup>5</sup> In 2009, the complete clean up of this sediment was estimated to cost more than \$4 billion. Sediment issues become even more severe<sup>6</sup> and likely to cause mass fish mortality during dry water years, which the entire Klamath Basin has faced in 2020 and 2021. These issues are direct, predictable effects of dam removal. With California and Oregon taxpayers now acting as a liability shield for PacifiCorp, it would be inexcusable for the Commission to allow this project to go forward without a significant increase in committed funds. Further, the EIS must include potential downriver impacts this sediment has all the way to the Pacific Ocean.

As I have alleged before, however, none of the applicants are willing to increase the dam removal's cost to realistic numbers. The cost estimate created by the applicants was meant to mirror the costs of mitigations and mandatory conditions<sup>7</sup> that the U.S. Department of the Interior and U.S. Fish and Wildlife Service (FWS) placed on PacifiCorp in 2007 as part of their

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<sup>1</sup> Camp Dresser & McKee Inc. (2008). *Evaluation and Determination of Potential Liability Associated with the Decommissioning and Removal of four Hydroelectric Dams on the Klamath River*.

<sup>2</sup> U.S. Department of the Interior, U.S. Department of Commerce, National Marine Fisheries Service. (2013). *Klamath Dam Removal Overview Report for the Secretary of the Interior: An Assessment of Science and Technical Information*. U.S. Fish and Wildlife Service.

<sup>3</sup> Stillwater Sciences for the California State Water Resources Control Board, Division of Water Rights. (2020). *Environmental Impact Report for the Lower Klamath Project License Surrender: Volume III*. (State Clearinghouse No. 2016122047).

<sup>4</sup> Gathard Engineering Consulting. (2006). *Klamath River: Dam and Sediment Investigation*. U.S. Fish and Wildlife Service. <https://www.fws.gov/yreka/kri/gecfinalreport.pdf>.

<sup>5</sup> Camp Dresser & McKee Inc. (2008). Table ES-2.

<sup>6</sup> National Marine Fisheries Service. (2013). p. 36.

<sup>7</sup> U.S. Department of the Interior. (2007). *The Department of Interior's Filing of Modified Terms, Conditions, and Prescriptions (Klamath Hydroelectric Project, No. 2082)*. U.S. Fish and Wildlife Service, California/Nevada Operations Office.

relicensing process for these four hydropower dams. By creating a similar cost for PacifiCorp to surrender the dams and shielding the corporation from liability, dam removal appeared economically sound to its shareholders.

Proponents of dam removal have also continued to ignore environmental conditions related to dam removal along the Klamath River. When J.C. Boyle began work on Copco 1, he made several notes which directly contradict claims that removal of all four dams would restore salmon access to historical spawning habitat. Included in these notes is a diagram of the proposed construction.<sup>8</sup> Notably, it includes the depiction of a 31-foot-tall basalt dam roughly one-fifth mile upstream from the current site of Copco 1. Boyle also notes the clear geological evidence, which is still viewable today, that an ancient 130-foot-tall andesite dam once blocked passage downstream. Both the basalt and andesite geological features allowed the formation of Clammittee Lake, which still existed when Copco 1 was constructed and created Copco Lake, and would have prevented any significant salmon habitat upstream from the current site of Copco 1. As work begins on this Environmental Impact Statement, the Commission must consider the lack of evidence for any natural population of salmon accessing upstream habitat.

PacifiCorp's decision to transfer and surrender these licenses has been ongoing since 2007, when it received the final Environmental Impact Statement from FWS outlining the required mitigations and mandatory conditions for relicensing. Since that time, there have been several significant updates to the understanding of how dams and other structures can impact salmon in freshwater areas. As recently as September 2020, a study in *Fish and Fisheries* uses data from across the West Coast of the United States, Canada, and Alaska to show declining survival rates of salmon. These population declines, however, do not correlate with the presence of dams in rivers, meaning "there is little hope that modifying freshwater habitat . . . will support a newly productive environment for salmon."<sup>9</sup> Notably, salmon productivity has dropped by similar amounts in systems that remain pristine, such as those found in British Columbia, Canada.<sup>10</sup> Across the Pacific there have been massive declines in the commercial catch of Chinook, with Russian catches down 75%, Japanese catches down more than 98%, and the combined Asian catch down 83% compared to its average in the 1970s.<sup>11</sup> Combined together, this data rebukes the claim that dams reduce salmon survival. The Commission must include the most up-to-date science on fish impacts to ensure that the real-world impacts of each alternative, including "no-action" are considered. The scope of the EIS should include comparisons to salmon populations across the Pacific – given this data proving significant declines in salmon populations across Pacific marine ecosystems.

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<sup>8</sup> Boyle, J.C. (1913). Illustration of site for Copco Dam No. 1. EIN Presswire.

<https://img.einnews.com/large/210488/j-c-boyle-s-1913-drawing-magni.jpeg#3818x1050>

<sup>9</sup> Welch, D. W., Porter, A. D., Rechisky, E. L. (2020). *A Synthesis of the Coast-wide Decline in Survival of West Coast Chinook Salmon (Oncorhynchus tshawytscha, Salmonidae)*. p. 3.

ResearchGate. [https://www.researchgate.net/publication/345633059\\_A\\_Synthesis\\_of\\_the\\_Coast-wide\\_Decline\\_in\\_Survival\\_of\\_West\\_Coast\\_Chinook\\_Salmon\\_Oncorhynchus\\_tshawytscha\\_Salmonidae](https://www.researchgate.net/publication/345633059_A_Synthesis_of_the_Coast-wide_Decline_in_Survival_of_West_Coast_Chinook_Salmon_Oncorhynchus_tshawytscha_Salmonidae).

<sup>10</sup> Welch et al. 2020. p. 14.

<sup>11</sup> Welch et al. 2020. p. 10.

With the taxpayers of California and Oregon taking on the liability of this project, the EIS should account for impacts that dam removal will have on the local area. The reservoir behind Copco 1 has been used for wildfire fighting in 2020 and in 2018's Klamathon Fire, which burned nearly 40,000 acres, destroying 82 structures, injuring three firefighters, and killing one civilian. Without this reservoir, air attack craft are required to go further afield for water and increases the overall resources needed from the California Department of Forestry and Fire Protection (CAL FIRE) or the U.S. Forest Service (USFS). The chances of wildfires sparking or spreading are not impacted by dam removal, but our ability to fight them will be severely degraded without accessible reservoirs.

In the past few weeks, the reservoirs have once again proven their environmental value by being utilized as part of a water borrowing agreement between PacifiCorp, the Bureau of Reclamation, and the Tulelake Irrigation District. By borrowing 10,000 acre feet (AF) from Copco and Iron Gate reservoirs, the Bureau is able to provide water to the Tule Lake National Wildlife Refuge and ward off the threat of botulism.<sup>12</sup> As noted by Ducks Unlimited, this action has the potential to save 200,000 waterfowl and 130 endangered suckerfish in Sump 1B. Without a reservoir below the Lost River Diversion Channel, this operation would not be possible. Last year, as a result of the lack of water being delivered to the Klamath Project, more than 60,000 waterfowl died from botulism. Any EIS must include the potential impacts of the refuge losing this kind of operational flexibility.

Finally, Siskiyou County itself – which hosts three of these hydropower facilities – is facing several debilitating economic realities if these structures are removed. County officials have informed me that revenues will decrease between \$600,000 and \$800,000 per year, and effectively require at least one school district to be shut down. Annual generation statistics from the California Energy Commission show that the hydropower plants of Iron Gate, Copco 1, and Copco 2 accounted for 239,192 MWh, which is 76% of the County's total generation.<sup>13</sup> The Bureau of Reclamation has long known about this issue and been assigned to study the impacts and propose solutions, but failed to complete its work. It should be noted that the loss of generation and procurement of a replacement system – which must adhere to California's strict energy regulations – are mentioned in the Department of the Interior's liability report.<sup>14</sup> As with the previously-mentioned sediment issues, these liabilities are rated at the highest possible level and their financial impact is unquantifiable.

To place this in context – taxpayers in this area are fully informed and aware of the situation. In 2010, 79% of Siskiyou County residents voted against dam removal. Similarly, 72% of Klamath

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<sup>12</sup> Ducks Unlimited. (2021, August 10). *Klamath Basin stakeholders collaborate to save fish and waterfowl, Emergency water delivery mitigates impact of severe drought*. [Press Release]. Retrieved from <https://www.ducks.org/press-room/klamath-basin-stakeholders-collaborate-to-save-fish-and-waterfowl>.

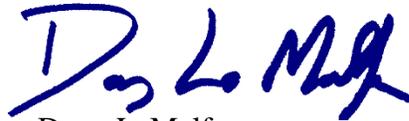
<sup>13</sup> *California Energy Commission Annual Generation – County*, [https://www2.energy.ca.gov/almanac/electricity\\_data/web\\_qfer/Annual\\_Generation-County cms.php?goSort=plant\\_table.county&year=2020](https://www2.energy.ca.gov/almanac/electricity_data/web_qfer/Annual_Generation-County cms.php?goSort=plant_table.county&year=2020), Accessed August 17, 2021.

<sup>14</sup> Camp Dresser & McKee Inc. (2008). Table ES-2.

County residents voted against removal in 2016. It is unconscionable to require the public to cover the liability for dam removal, rob them of the ability to fund their education system, and ignore their votes against this proposal. The Commission must find a way to weigh this impact – if not in the Environmental Impact Statement, then in some other form before approving the transfer or surrender of the Lower Klamath Project license.

As the Commission works with the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE) to determine the scope of an Environmental Impact Statement, I request that the information above, the impact on my constituents, and updated science since the start of this relicensing process is taken seriously.

Sincerely,

A handwritten signature in blue ink that reads "Doug LaMalfa". The signature is stylized and cursive.

Doug LaMalfa  
Member of Congress